

DATE 8-30-01 CASE NUMBER 1:01cr31-2 & 3  
 LOCATION Beaumont Division USA Tracey Batson Assigned  
 JUDGE RICHARD A. SCHELL VS 1d Appeared  
 DEPUTY CLERK Angie Bellard  
 RPTR/ECRO Chris Bickham  
 TAPE # B E  
 USPO   
 INTERPRETER   
 BEGIN 9:08 a.m. - 12:00 p.m.

KOREY JACKSON AND JOSEPH SMITH

Defendant

Joseph Hawthorn, Zach Hawthorn, Toni Triplett, Ed O'Suji

Attorney

**FILED**  
 P. M. Aug. 30 2001  
 DAVID J. MALLAND, CLERK  
 U.S. DISTRICT COURT  
 By J. R. Rye  
 DEPUTY

4th DAY OF JURY COURT TRIAL

☐ Jury Panel Sworn  
☐ Dft \_\_\_\_\_ failed to appear ☐ Korallo. Order for arrest warrant  
☐ kvdirbgn. Voir dire begins ☐ kbntrlbgn. Bench trial begins  
☐ Jury impaneled ☐ Jury Sworn  
☒ kjytrl. Jury trial held ☐ kbntrl. . . Bench trial held  
☐ Rule invoked  
☒ Govt ☒ Dft evidence presented.  
☐ kdoral. Dft Jackson Motion for Judgment of Acquittal motion # Korallo. ☐ granted ☒ denied  
☐ kdoral. Dft Smith Motion for Judgment of Acquittal motion # Korallo. ☐ granted ☒ denied  
☐ ko.(oralo) Oral Order entered on Dft Motion \_\_\_\_\_  
☐ kgm. Govt motion # \_\_\_\_\_ ☐ granted ☐ denied  
☐ kgm. Govt motion # \_\_\_\_\_ ☐ granted ☐ denied  
☐ ko.(oralo) Oral Order entered on Govt Motion \_\_\_\_\_  
☐ kdoral. Dft \_\_\_\_\_ motion # \_\_\_\_\_ ☐ granted ☐ denied  
☐ kgoralm. Govt motion # \_\_\_\_\_ ☐ granted ☐ denied  
 Government's ☐ kexhlst. ☐ kwitlst.  
 Defendant's ☐ kexhlst. ☐ kwitlst.

☐ Evidence concluded ☐ Final arguments ☐ kjyinstr.(Jury Instructions) Court's charge to jury  
☐ Jury deliberating  
☐ kjynts. Jury Notes # \_\_\_\_\_ from jury to Court ☐ kjynts. Jury Notes # \_\_\_\_\_ from Jury  
☐ kjyv. Jury verdict ☐ guilty/cts \_\_\_\_\_ ☐ not guilty/cts \_\_\_\_\_  
☐ kctv. Court verdict ☐ guilty/cts \_\_\_\_\_ ☐ not guilty/cts \_\_\_\_\_  
☐ Trial ends  
☐ kodiscl. Order for PSI and disclosure.  
☐ ksen. Sentencing set for \_\_\_\_\_ at \_\_\_\_\_  
☐ kdoral(rmn) Dft oral motion to remain on bond pending sentence ☐ granted ☐ denied  
☐ Bond ☐ continued \$ \_\_\_\_\_ or ☐ revoked  
☐ kbnd. Dft bond ☐ set ☐ reset to \$ \_\_\_\_\_ ☐ cash ☐ surety ☐ 10% ☐ PR/unsecured  
☐ kgoralm(rmd) Govt oral motion to remand dft to custody pending sentence ☐ granted ☐ denied  
☐ kloc.(LC) Dft REMANDED to custody. (only if previously on bond.)  
☒ kminf. Minutes filed.



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ADDITIONAL PROCEEDINGS:

9:08 4<sup>th</sup> day Jury trial held before Judge Schell. Ms. Batson addressed the Court regarding the testimony of the inmates. The parties argued over the admission of the testimony. 9:17 The Court will not allow the witness to testify at this time. Ms. Batson may present case law to the Court. 9:20 Jury brought in. Ms. Batson calls Stephen Hall to testify. The Court gave the jury an instruction on testimony from yesterday. 9:22 Witness sworn. The Court instructed the jury on Mr. Hall's testimony. 9:23 Direct. 9:36 Cross-exam by Ms. Triplett. 9:57 Re-direct by Ms. Batson. 10:04 Re-cross by Ms. Triplett. 10:06 Re-direct by Ms. Batson. 10:07 Re-cross by Ms. Triplett. 10:08 Ms. Batson calls Steven Dixon to testify. The Court instructed the jury on Mr. Dixon's testimony. 10:10 Witness sworn. Direct. 10:20 Cross-exam by Ms. Triplett. 10:28 Jury excused to take up matters outside their presence. Ms. Batson addressed the Court on the testimony of the inmate she will call next. The Court reviewed the Rule and case laws. 10:48 Mr. Hawthorn requested that he be allowed to put witnesses on the stand out of order. 10:51 Ms. Batson responded with regards to the case law. The Court reviewed the cases presented by Ms. Batson. 10:56 Mr. Hawthorn responds. 10:57 Ms. Batson responds. 11:00 The Court will not allow the witness of Ms. Batson. Mr. Hawthorn re-urged to have his witnesses called out of order. Objection by Ms. Batson. The Court advised the witnesses. 11:02 Mr. Hawthorn addressed the Court on a specific question to the next witnesses. 11:03 Ms. Batson responded. 11:06 Mr. Hawthorn responds. 11:07 Ms. Batson replies. 11:08 Ms. Batson calls Patrick January to testify (previously sworn). Jury brought in. 11:10 Direct. 11:13 Govt's exhibit 11 and 16 marked and admitted. 11:15 Govt's exhibit 21 marked and admitted. 11:16 Govt's exhibit 20 marked and admitted. 11:19 Cross-exam by Mr. Hawthorn. Cross-exam by Ms. Triplett. 11:24 Re-direct by Ms. Batson. 11:26 Govt rests. Mr. Hawthorn calls Curtis Frame to testify (previously sworn). Direct. 11:30 Cross-

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ADDITIONAL PROCEEDINGS:

exam by Ms. Batson of Curtis Frame. 11:31 Re-direct by Mr. Hawthorn. 11:32 Mr.  
Hawthorn calls Joe Sterling to testify (previously sworn). Direct. 11:35 Cross-exam  
by Ms. Batson. Re-direct by Mr. Hawthorn. 11:37 Jury excused until 1:15 p.m.  
11:38 Mr. Hawthorn presents his motion pursuant to Rule 29 for judgment of  
acquittal. 11:42 Response by Ms. Batson. 11:49 The Court questioned Mr.  
Hawthorn. The Court overruled and denied the oral motion by Mr. Hawthorn. 11:51  
Ms. Triplett presents her motion pursuant to Rule 29 for judgment of acquittal.  
11:54 The Court denied the oral motion by Ms. Triplett. 12:00 Court recessed.  
1:21 Mr. Hawthorn calls Sadie Jackson to testify (previously sworn). Direct. 1:26  
Cross-exam by Ms. Batson. 1:39 Re-direct by Mr. Hawthorn. 1:40 Re-cross by Ms.  
Batson. 1:42 Re-direct by Mr. Hawthorn. 1:44 Mr. Hawthorn calls Evline Davis to  
testify. Witness sworn. Direct. 1:50 Cross-exam by Ms. Batson. 1:57 Mr.  
Hawthorn calls Harvey Isadore to testify. Witness sworn. Direct. 1:59 Deft  
Jackson's KJ-6 marked and admitted. 2:01 Cross-exam by Ms. Batson. 2:15 Mr.  
Hawthorn calls Donald Mark to testify. Witness sworn. Direct. 2:20 Cross-exam by  
Ms. Batson. 2:33 Re-direct by Mr. Hawthorn. 2:34 Mr. Hawthorn calls Rev. Ben  
Breed, Jr. to testify. Witness sworn. Direct. 2:37 Cross-exam by Ms. Batson.  
2:42 Deft Korey Jackson rests. Deft Joseph Smith rests. 2:43 Court recessed.  
3:00 Court resumed in the presence of the jury. Ms. Batson announces she does not  
need any rebuttal. Government offers exhibit #24. Mr. Hawthorn makes objections.  
3:07 Side bar. 3:14 On the record. Objection is overruled. Ms. Batson rest. 3:15  
pm Jury recessed for the day. Instructed to return at 10:00 tomorrow morning. 3:16  
Court resumes outside the presence of the jury. Mr. Hawthorn makes his objections  
to government exhibit 24. Court upholds ruling. Ms. Batson to submit a redacted  
copy tomorrow. 3:23 Court recessed until 4:30. 5:48 The court went over the jury

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ADDITIONAL PROCEEDINGS:

instructions with attys. Court heard objections to the proposed jury instructions.

Arguments completed. Discussions on length of closing arguments. The court will

allow the govmt to have 30 minutes and each dft to have 20 minutes for closing

argument. Discussion and review of faxed cover sheet to exhibit 24 was held. The

court ordered that the fax cover sheet be attached to exhibit. 6:38 adjourned.